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EXAMINER

MANOHARAN, MUTHUSWAMY GANAPATHY

ART UNIT	PAPER NUMBER
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2617

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/066,156

Applicant(s)

HAMILTON ET AL.

Examiner

Muthuswamy G. Manoharan

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 2/1/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 41** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 41, Applicant recites, "**processing billing information, in real time**, that adjusts a user account of a user based on the user using a transactional based service, wherein the processing of the billing information includes:

In a GPRS enabled GSM, collecting CDRs for a packet switched data collating the **collected CDRs into a single composite CDR stream, and processing the single CDR stream in a billing system**". It is clear from the above recitation that **processing** the billing information **after collecting the CDRs** (this implies after using the service) into a single composite CDR system. Therefore, it is not in consistent with Applicants definition of real time processing billing information as mentioned in the Applicant's remarks on Page 17 ("But **I'Anson is limited to disclosing a billing system** that requires a user to provide a credit card payment to the website either before using the service or after using the service and **not in real time when the user is using the transactional based service**").

Therefore, the recitation of "**processing billing information, in real time**" renders the claim vague and indefinite.

Correction/clarification is required.

### **Double Patenting**

Also, Claims 1 and 15-26 are provisionally rejected again on the ground of non-statutory obviousness type double patenting as being unpatentable over claims 1 and 4 of copending Application No. 10/061524.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant invention are broader in scope and thus encompass the subject matter being claimed in applications 10/061526 and 10/061524, wherein "provider" reads on "sponsor".

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 47 and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Rissanen (US 2005/0177506).**

Regarding **claim 47**, Rissanen teaches a method of providing a sponsored packet switch data service comprising: in a GPRS enabled GSM network (Paragraph [0010]), receiving a request for a packet switched data service (Paragraph [0010]); selecting a service provider for the packet switched data service ("**the company sponsoring the commercial web site for the access and data transmission of the user**", Therefore, the selection of the service provider is deemed to be inherent in this case; Paragraph [0010-0011]); connecting a session to the selected service provider; metering the session; generating billing information from the metering (Figure 3; Paragraphs [0010-0011], [0017-0022]); and allocating the billing information to appropriate parties (Paragraph [0011]).

Regarding **claim 48**, Rissanen teaches the method of claim 47 wherein the request is from a user (Paragraph [0011]).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1,2,4,11,16, 17, 27 and 49-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rissanen (US 2005/0177506) in view of Spear et al. (hereinafter Spear) (US 6853621).**

Regarding **claims 1 and 27**, Rissanen teaches a method comprising: in a wireless network (Figure 1), receiving a user request for a packet switched data service (Figure 1; Paragraph [0012], line 1); and determining a billing arrangement for the service according to the stored policies (Paragraphs [0017-0022]).

Rissanen did not teach specifically a method of determining a provider for the service according to stored policies. However, Spear teaches in an analogous art determining a provider for the service according to stored policies (Col. 4, lines 8-43). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method of determining a provider for the service according to stored policies. This modification provides an efficient system for the user.

Regarding **claim 2**, Rissanen teaches the method of claim 1 wherein the stored policies include how the user is to be billed and a basis for the billing (Paragraphs [0017-0022]).

Regarding **claim 4**, Rissanen teaches the method of claim 1 wherein the stored policies include pre-arrangements between an operator of the network and the provider (Figure 3, Paragraphs [0010-0011]; Paragraphs [0017-0022]).

Regarding **claim 11**, Rissanen fails to teach the method of claim 1 further comprising: determining whether the user is authorized to use the service. Examiner would like to take Official notice that this feature is old and well known in the art. **The**

**reason for the authenticating access would be that the host sponsor does not want to be charged for the user who is not the customer of the sponsor (US 2002/010858; Paragraph [0026,0046]).**

Regarding **claim 16**, Rissanen teaches the method of claim 1 wherein the wireless network is a Global System for Mobile communication (GSM) network (Paragraph [0003], line 5).

Regarding **claim 17**, Rissanen teaches the method of claim 16 wherein the GSM network is General Packet Radio System (GPRS) enabled (Paragraph [0003], line 6).

Regarding claims 49 and 51 Rissanen fails to teach the method of claim 48 wherein selecting further comprises: authenticating access for the user to the service provider. Examiner would like to take Official notice that this feature is old and well known in the art. **The reason for the authenticating access would be that the host sponsor does not want to be charged for the user who is not the customer of the sponsor (US 2002/010858; Paragraph [0026,0046]).**

Regarding **claim 50**, Rissanen teaches the method of claim 49 wherein selecting further comprises: determining whether the request is for the selected service provider (Paragraph [0011], lines 6-7).

Regarding **claim 52**, Rissanen teaches the method of claim 48 metering comprises: monitoring the session between the user and the selected service provider (Paragraph [0012], lines 1-3).

Regarding **claim 53**, Rissanen teaches the method of claim 47 wherein an appropriate party is a network provider (Paragraph [0011]).

Regarding **claim 54**, Rissanen teaches the method of claim 47 wherein an appropriate party is the user (Paragraph [0016], lines 16-18).

Regarding **claim 55**, Rissanen teaches the method of claim 47 wherein an appropriate party is the selected service provider (Paragraph [0010], line 14-15).

Regarding **claim 56**, Rissanen teaches the method of claim 47 wherein the appropriate parties are the user, a network provider and the selected service provider (Paragraph [0012]).

**Claims 5,6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rissanen (US 2005/0177506) in view of in view of Spear et al. (hereinafter Spear) (US 6853621) and further in view of Martin et al. (hereinafter Martin) (US 6795707).**

Regarding **claims 5, and 6** Rissanen in view of Spear teaches all the particulars of the claim except wherein the stored policies include matching a provider to a user's time of connection, user's location. However, Martin teaches in an analogous art wherein the stored policies include matching a provider to a user's time of connection, user's location (Col. 2, lines 18-26). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method wherein the stored policies include matching a provider to a user's time of connection, user's location to make the billing process more efficient.

Regarding **claim 12**, Rissanen teaches all the particulars of the claim except the method of claim 11 wherein determining comprises: checking a user account for payment history. However, Martin teaches in an analogous art wherein determining



comprises: checking a user account for payment history (Col. 2, lines 18-26).

Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method wherein determining comprises: checking a user account for payment history to make the billing process more efficient.

It is to be noted that these aspects of the claims are **well known in the art**.

**Claims 3 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rissanen (US 2005/0177506) in view of Spear et al. (hereinafter Spear) (US 6853621) and further in view of McKinnon et al. (hereinafter McKinnon) (US 2002/0003806).**

Regarding **claim 3**, Rissanen in view of Spear teaches all the particulars of the claim except the method wherein the stored policies include policy decisions that are entrusted to the provider. However, McKinnon teaches in an analogous art, wherein the stored policies include policy decisions that are entrusted to the provider (Abstract, lines 14-17). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to have method wherein the stored policies include policy decisions that are entrusted to the provider to make the billing process more efficient.

Regarding **claims 7-10**, Rissanen teaches all the particulars of the claim except wherein the stored policies include matching a provider to a time of day or user class or service class or network conditions. However, McKinnon teaches in an analogous art, wherein the stored policies include matching a provider to a time of day or user

class or service class or network conditions (Paragraph [0025]). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method wherein the stored policies include matching a provider to a time of day or user class or service class or network conditions in order to make the billing process more efficient.

It is to be noted that these aspects of the claims are well known in the art.

**Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rissanen (US 2005/0177506) in view of Spear et al. (hereinafter Spear) (US 6853621) and further in view of Syrjala et al (hereinafter Syrjala) (US 2003/016522).**

Regarding **claim 13**, Rissanen in view of Spear teaches all the particulars of the claim except billing the user upon completion of a user session; and reconciling billing between a network operator and the provider. However, Syrjala teaches in an analogous teaches in an analogous art, the method of billing the user upon completion of a user session; and reconciling billing between a network operator and the provider (Paragraph [0002], lines 18-29). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method of billing the user upon completion of a user session; and reconciling billing between a network operator and the provider. This modification enables a subscriber in a multi-provider environment to be billed using a single bill.

**Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rissanen (US 2005/0177506) in view of Spear et al. (hereinafter Spear) (US**

**6853621) and further in view of Syrjala et al (hereinafter Syrjala) (US 2003/016522) and further in view of DiAngelo et al. (US 6101482).**

Regarding **claim 14**, Rissanen in view of Spear and further in view of Syrjala teaches all the particulars of the claim except the method of claim 13 wherein the user session includes multiple transaction sessions. However, DiAngelo teaches in an analogous art, wherein the user session includes multiple transaction sessions (Abstract). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method wherein the user session includes multiple transaction sessions. This modification helps in the transaction sessions from heterogeneous web sites.

**Claims 15-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rissanen (US 2005/0177506) in view of Spear et al. (hereinafter Spear) (US 6853621) and further in view of Applicant admitted prior art (hereinafter PA).**

Regarding **claims 15,18-26**, Rissanen in view of Spear teaches all the particulars of the claims 15,18-26 except wherein the wireless network is a second generation wireless network or TDMA network or CDMA network or UMTS network or TETRA network or DECT network or AMPS network or WLAN or third generation wireless network. However, AP teaches in an analogous art, wherein the wireless network is a second-generation wireless network or TDMA network or CDMA network or UMTS network or TETRA network or DECT network or AMPS network or WLAN or third generation wireless network. Therefore, it would be obvious to one of ordinary skill in

the art at the time of invention to the wireless network wherein the wireless network is a second-generation wireless network or TDMA network or CDMA network or UMTS network or TETRA network or DECT network or AMPS network or WLAN or third generation wireless network. These limitations are well known in the art.

**Claims 28-40** are rejected for the same reasons as set forth in claims 2-14 respectively.

**Claims 41-44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over l'Anson (US 2003/0079013) in view of Voit et al. (US 6839340).**

Regarding **claim 41**, l'Anson teaches a method comprising: in a General Packet Radio System (GPRS) enabled Global System for Mobile Communication (GSM) network (Figures 1-2; Paragraph [0026]), collecting call data records (CDRs) for a packet a switched data (Paragraph [0027],[0016], [0027]); collating the collected CDRs into a single composite CDR stream in the charging gateway (Paragraph [0016]); and processing the single composite CDR stream in a billing system (item 38 in Figure 2).

l'Anson did not teach specifically, a method comprising: processing billing information, in real time, that adjusts a user account of user based on the user using a transactional based service.

However, Voit teaches in an analogous art, a method comprising: processing billing information, in real time, that adjusts a user account of user based on the user using a transactional based service ("transaction based approach", "respond to real time requests from external OSS systems for usage record details and account status information for the customer account", Col. 9, lines 1-11). Therefore, it would be

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obvious to one of ordinary skill in the art to use the method comprising: processing billing information, in real time, that adjusts a user account of user based on the user using a transactional based service. This modification provides enhanced services to the subscribers.

Regarding **claim 42**, l'Anson teaches the method of claim 41 wherein collecting further comprises: collecting CDRs from a GPRS support node (Figure 2, items 17 and 18; Paragraph [0027]).

Regarding **claim 43**, l'Anson teaches the method of claim 41 wherein processing the CDRs further comprises: augmenting the CDRs for packet switched data in a billing mediation node (Paragraph [0016]).

Regarding **claim 44**, l'Anson teaches the method of claim 41 wherein the single composite CDR stream represents a user session (Paragraphs [0019, 0027]).

Regarding **claim 45**, l'Anson teaches the method of claim 44 wherein the user session includes a plurality of individual purchase sessions (Paragraph [0027]).

**Claims 41-44, 46 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sjoblom (WO 00/44123) in view of Voit et al. (US 6839340).**

Regarding **claim 41**, Sjoblom teaches a method comprising: : in a General Packet Radio System (GPRS) enabled Global System for Mobile Communication (GSM) network, collecting call data records (CDRs) for a packet switched data; collating the collected CDRs into a single composite stream (Page 10, lines 16-25);

and processing the single composite CDR stream in a billing system (Page 9, lines 21-35).

Sjoblom did not teach specifically, a method comprising: processing billing information, in real time, that adjusts a user account of user based on the user using a transactional based service.

However, Voit teaches in an analogous art, a method comprising: processing billing information, in real time, that adjusts a user account of user based on the user using a transactional based service ("transaction based approach", "respond to real time requests from external OSS systems for usage record details and account status information for the customer account", Col. 9, lines 1-11). Therefore, it would be obvious to one of ordinary skill in the art to use the method comprising: processing billing information, in real time, that adjusts a user account of user based on the user using a transactional based service. This modification provides enhanced services to the subscribers.

Regarding **claim 42**, Sjoblom teaches the method of claim 41 wherein collecting further comprises: collecting CDRs from a GPRS support node (Page 9, lines 21-35).

Regarding **claim 43**, Sjoblom teaches the method of claim 41 wherein processing the CDRs further comprises: augmenting the CDRs for packet switched data in a billing mediation node (Page 9, lines 21-35).

Regarding **claim 44**, Sjoblom teaches the method of claim 41 wherein the single composite CDR stream represents a user session (Page 10, lines 16-25).

Regarding **claim 46**, Sjoblom teaches the method of claim 41 wherein processing the single composite CDR stream comprises: Checking for records duplication; correlating information; and validating (Page 9, lines 21-35; Page 11, lines 11-26).

Regarding **claim 57**, Sjoblom teaches a method comprising: in a General Packet Radio System (GPRS) enabled Global System for Mobile Communication (GSM) network, collecting call data records (CDRs) from a Serving GPRS support node in the network (Page 9, lines 21-35, Page 10, lines 1-31]); sending the CDRs to a charging gateway in the network (Page 9, lines 21-35]); processing the CDRs for packet switched data into a single composite CDR stream in the charging gateway (Page 10, lines 16-25); processing the single composite CDR stream comprises: checking for records duplication; correlating information; and validating (Page 9, lines 21-35; Page 11, lines 11-26) and processing the single composite CDR stream in a billing system (Page 9, lines 21-35).

### ***Response to Arguments***


Applicant's arguments with respect to claims 1-57 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:30AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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